APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,936	07/27/2001	Akio Ohba	SCEI 3.0-075	8783

			EXAMINER
530	7590	09/27/2004	LEE, JOHN J

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ART UNIT	PAPER NUMBER
2684	6

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.		Applicant(s)
Office Action Summary	09/916,936	⬤	OHBA, AKIO
	Examiner		Art Unit
	JOHN J LEE		2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _27 July 2001_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-19_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) _3-7,12-15 and 17-19_ is/are allowed.

6) ☒ Claim(s) _1,2,8-11 and 16_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _5_.

4) ☐ Interview Summary (PTO-413) .
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   **Claims 1, 2, 8, 9, 11, and 16** are rejected under 35 U.S.C. 102(e) as being

anticipated by Mackintosh et al. (US Patent number 6,317,784).

Regarding **claim 1**, Mackintosh teaches that a data providing system (Fig. 1 and

column 2, lines 42 – column 3, lines 16). Mackintosh teaches that a first device (data

server (116) in Fig. 1) for communicating individually with a plurality of terminal

devices (users (112) in Fig. 1) (Fig. 1 and column 5, lines 7 – 60, where teaches data

server communicates with users). Mackintosh teaches that a second device (broadcast

provider (108) in Fig. 1) for broadcasting data to all of the terminal devices (112 in Fig.

1) which are in communicable state with the first device (116 in Fig. 1) (Fig. 1, 10 and

column 5, lines 7 – column 6, lines 19, where teaches the broadcast provider broadcasts

radio program, video program, and broadcasting materials to users and communicating

through program provider to data server). Mackintosh teaches that part of reproducible

data (video data, image data, and textual data) to be provided is transmitted to the all of

the terminal devices (users (112) in Fig. 1) which are in a communicable state from one

of the first (116 in Fig. 1) and second device (108 in Fig. 1) (Fig. 1, 10 and column 5,

lines 7 – column 6, lines 19, where teaches users communicates with server and the

broadcast provider and server provide the video data, image data, and textual data to

users), and the rest of the data to be provided is transmitted to the all of the terminal

devices (112 in Fig. 1) in communicable state from the other (material server or any

server (120) in Fig. 1) of the first device and the second device, thereby enabling the

provided data reproduced in the all of the terminal devices in real time (Fig. 1, 5, 10,

column 5, lines 7 – column 6, lines 19, and column 8, lines 33 – column 9, lines 69,

where teaches the other server provides the associated supplemental materials and

information to users in real time).

Regarding **claim 2**, Mackintosh teaches all the limitation, as discussed in claim 1.

Furthermore, Mackintosh further teaches that the first device (data server (116) in Fig. 1)

transmits individual data prepared in accordance with a request from one of the terminal

devices (112 in Fig. 1) to the one of the terminal devices via the network (Fig. 1, 5, 10,

and column 13, lines 16 – column 14, lines 19, where teaches as a user requests the

program/data information to server, the server provides the information by broadcasting).

Mackintosh teaches that the second device broadcasts data indicating an operation state

of the network, which changes occasionally in accordance with a load on the first device,

to all of the terminal devices (Fig. 5, 6 and column 11, lines 32 – column 12, lines 18,

where teaches the broadcast provider broadcasts the broadcast materials including

randomized time intervals (latencies states) to level the server load).

Regarding **claim 8**, Mackintosh teaches all the limitation, as discussed in claims 1

and 2. Furthermore, Mackintosh further teaches that transmitting the data distributed to

the first device and the second device at the same time, thereby enabling each of said

plurality of terminal devices to reproduce the data to be provided in real time (Fig. 1, 5,

10, column 5, lines 7 – column 6, lines 19, and column 7, lines 56 – column 8, lines 40,

where teaches transmitting the broadcast program information to data server and

broadcast provider for broadcasting to users in real time).

Regarding **claim 9**, Mackintosh teaches all the limitation, as discussed in claims 2

and 8. Furthermore, Mackintosh further teaches that transmitting the data distributed to

the second device prior to transmission of the data distributed to the first device (Fig. 1,

5, 10, column 5, lines 7 – column 6, lines 19, and column 8, lines 33 – column 9, lines 69,

where teaches transmitting same time the broadcast program information to the broadcast

provider for broadcasting to users in real time and user can transmits to the server),

thereby enabling to present the load status of the first device or the network to a terminal

device which is accessing to the first device (Fig. 5, 6 and column 11, lines 32 – column

12, lines 18, where teaches the broadcast provider broadcasts the broadcast materials

including randomized time intervals (latencies states) to level the server load).

Regarding **claim 11**, Mackintosh teaches all the limitation, as discussed in claims

2 and 9. Furthermore, Mackintosh further teaches that all of the terminal devices are

rendered to construct an environment in which the all of the terminal devices enable to

reproduce the data to be provided in real time in cooperation with the first device (Fig. 1,

5, 10, column 5, lines 7 – column 6, lines 19, and column 8, lines 33 – column 9, lines 69,

where teaches transmitting same time the broadcast program information to the broadcast

provider for broadcasting to users in real time and user can transmits to the server for

cooperating with the broadcast provider).

Regarding **claim 16**, Mackintosh teaches all the limitation, as discussed in claims

2 and 11.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

4.   **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Mackintosh in view of Billyard et al. (GB 2,347, 332 A).

Regarding **claim 10**, Mackintosh teaches all the limitation, as discussed in claims

2 and 9. Furthermore, Mackintosh further discloses that forming a logical space (virtual

space) common to a plurality of terminal devices connected a network (Fig. 1, 7 and

column 12, lines 35 – column 13, lines 44, where teaches forming virtual space and

transmitting the form to the users). However, Mackintosh does not specifically disclose

the limitation "broadcasting, when a status of the logical space has changed in accordance

with an accessing status from one of said plurality of terminal devices, a status of the

changed logical space, to said plurality of terminal devices in real time". However,

Billyard teaches the limitation "broadcasting, when a status of the logical space has

changed in accordance with an accessing status from one of said plurality of terminal

devices, a status of the changed logical space, to said plurality of terminal devices in real

time" (pages 14, lines 10 – pages 17, lines 17 and Fig. 2, 4, 5, where teaches broadcasting

the changed virtual image data for user's accessing to the terminals). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to

modify the Mackintosh system as taught by Billyard, provide the motivation to enhance

the communication reliability between terminal and server in communication system.

Allowable Subject Matter

5.   Claims 3-7, 12-15, and 17-19 are allowed.

Claims 3-7, 12-15, and 17-19 are allowable over the prior art of record because a

search does not detect the combined claimed elements as set forth in the claims 3-7, 12-

15, and 17-19.

As recited in independent claims 3, 5, 6, 12, 14, 15, 17, 18, and 19, none of the

prior art of record teaches or fairly suggests that a data providing system comprises each

of said plurality of first devices has a logical space formed therein to be accessible by

said plurality of terminal devices, these logical spaces being formed associated with each

other, and the second device, when the status of the logical space changes in one of the

first devices, varies the status of the logical space of other device on the basis of the

variation status, and provides the statuses of all the logical spaces after the variation to

said plurality of terminal devices in real time, and a load detector for detecting a load on

the first device when individually transmitting the data to be provided to terminal devices

via the network and a generator for generating operation status data indicating an

operation status of the network, which changes occasionally in accordance with the

detected load of the first device, and together with combination of other element as set

forth in the claims 3-7, 12-15, and 17-19. Therefore, claims 3-7, 12-15, and 17-19 are

allowable over the prior art of records.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Dom et al. (US patent number 6,166,735) discloses Video Story Board User

Interface for Selective Downloading and Displaying of Desired Portions of Remote-

Stored Video Data Objects.

Downs et al. (US Patent number 6,226,618) discloses Electronic Content Delivery

System.

Information regarding...Patent Application Information Retrieval (PAIR) system...

at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

    Commissioner of Patents and Trademarks
    Washington, D.C. 20231

or faxed to:

    (703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**.

He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00

pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay**

Aung Maung, can be reached on **(703) 308-7745**. Any inquiry of a general nature or

relating to the status of this application should be directed to the Group receptionist

whose telephone number is (703) 305-4700.

J.L
September 16, 2004

John J Lee
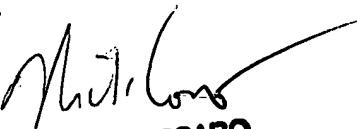
NICK CORSARO
PRIMARY EXAMINER